

# **Exhibit B**

**A F F I D A V I T**

SEARCH WARRANT DOCKET NUMBER

TRIAL COURT OF MASSACHUSETTS

IN SUPPORT OF APPLICATION  
FOR SEARCH WARRANT

I Daniel R. Sullivan been duly sworn and depose say:

I am a Police Officer with the Westport Police Department assigned to the Detective Division. I have been a police officer since February 5, 1999. I have received specialized training from the Massachusetts Criminal Justice Training Council, New England Narcotic Officers Association, John E. Reid and Associates, Roger Williams University, school of Justice Studies, Northeast Counterdrug Training Center, Law Enforcement Dimensions, in the areas of narcotic investigations, detection, identification of narcotics, surveillance techniques, and drug related paraphernalia, developing information from confidential sources, prosecution of violations of the controlled substance laws and search and seizure laws.

Over the course of my career, I have been involved in numerous arrests and investigations including narcotic arrests. As a result of these arrests, I have testified in the prosecution and conviction of individuals in state court. I was an investigator in "Operation Joint Forces" which at the time was the biggest seizure of cocaine, in Massachusetts, approximately 20.8 million dollars worth, and the indictments of twenty-one suspects from the Greater Fall River, Massachusetts, Providence, Rhode Island and New York, New York area. During my police career, I have become familiar with the vernacular of illegal narcotic abusers and distributors in the Westport area. I have also become familiar with the many methods, practices, and techniques employed by persons involved in the distribution of controlled substances to acquire, store and distribute drugs, as well as many of the methods utilized by these persons to protect their activities from detection of law enforcement officers. Additionally, I have performed hundreds of hours of surveillance during narcotic investigations.

Based on the information contained herein, I have probably cause to believe that Fernando Raposo, DOB 04/13/1966, 726 State Road Westport, Massachusetts, along with James R. Machado, DOB 07/29/1962, 489 Gifford Road Westport, Massachusetts distribute narcotics, specifically but not limited to marijuana.

During the month of July 2004, I was approached by an individual herein named "IT" who wanted to provide me with information relative to illegal narcotics sales, specifically marijuana. "IT" identified the seller as Fernando Raposo DOB 04/13/1966, of 726 State Road Westport Massachusetts. "IT" stated, that Mr. Raposo receives marijuana deliveries from a male named "Jimmy" and that Mr. Raposo would sell the marijuana for "Jimmy" from his home located at 726 State Rd. in Westport. "IT" stated that "Jimmy" lives on Gifford Road in Westport Massachusetts.

"IT" stated, that "Jimmy" would drive Massachusetts's registration 7996ZS, belonging to a Jeep Grand Cherokee color gray and deliver the marijuana to Mr. Raposo at his home. "IT" also described the vehicle that Mr. Raposo operates as a Ford Taurus color brown, bearing Massachusetts registration 98FD17, which is registered to Mr. Raposo's girlfriend Cynthia Lopes, who Mr. Raposo lives with at 726 State Rd. in Westport Ma.

The name "IT" is pseudonym and is not meant to reflect the gender of the individual. "IT" is providing me with this information voluntarily and with the understanding that "IT" remains nameless, fearing if identified, "IT's" family members would be subjected to physical harm.

PRINTED NAME OF AFFIANT  
Daniel Sullivan

SIGNED UNDER THE PENALTIES OF PERJURY

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

DATE

PAGE 2 OF 10 PAGES OF THIS AFFIDAVIT

**A F F I D A V I T**

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A check with the Massachusetts Criminal History Board reveals the following arrest and/or convictions for Mr. Fernando Raposo, DOB 04/13/1966, SS# 021-60-7624

- A. On April 9, 2004, Mr. Raposo was found guilty and to admitting to sufficient facts in Fall River District Court for possession class D
- B. On May 14, 2003, Mr. Raposo was found guilty and to admitting to sufficient facts in Fall River District Court for possession class D
- C. On August 9, 1995, Mr. Raposo was found guilty in Bristol Superior Court for possession with intent to Distribute class A
- D. On June 13, 1995, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A
- E. On February 23, 1993, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A
- F. On February 23, 1993, Mr. Raposo was also found guilty in Fall River District Court for possession with intent to Distribute class A
- G. On July 25, 1991, Mr. Raposo was found guilty in Fall River District Court (jury of six) for possession of class B
- H. On November 21, 1991, Mr. Raposo was found guilty in Fall River District Court for possession of class D
- I. On July 1, 1991, Mr. Raposo was found guilty in Fall River District Court for possession of class B
- J. On September 17, 1990, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A

A check with the Massachusetts Criminal History Board reveals the following arrest and/or convictions for Mr. James Machado DOB 07/29/1961, SS# 025-54-3191.

- A. Mr. Machado has an open case in Boston Federal Court for Conspiracy to Violate the Control substance Act/ Marijuana. As well as Possession with intent to Distribute class D
- B. On November 17, 1999, Mr. Machado was charged with Trafficking class D out of Bristol Superior Court
- C. On August 23, 1999, Mr. Machado was charged with Trafficking class D

PRINTED NAME OF AFFIANT  
Daniel Sullivan

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X

X

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PAGE 3 OF 10 PAGES OF THIS AFFIDAVIT

**A F F I D A V I T**

SEARCH WARRANT DOCKET NUMBER

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FOR SEARCH WARRANT

D. On May 10, 1999, Mr. Machado was charged with Assault and Battery

E. On March 27, 1989, Mr. Machado was charged with a Firearm Violation (Revolver) out of Bristol Superior Court.

F. On January 10, 1989, Mr. Machado was found guilty of Armed Robbery

G. On January 10, 1989, Mr. Machado was charged with possession of a Firearm out of Bristol Superior Court

H. On August 11, 1982, Mr. Machado was charged with a Firearm (Carry) out of Fall River District Court.

I. On April 27, 1982, Mr. Machado was found guilty for Assault and Battery

J. On January 8, 1982, Mr. Machado was charged with Assault and Battery with a Dangerous Weapon

A check with the Massachusetts Registry of Motor Vehicles reveals that Mr. James Machado has an active license, which gives the address of 489 Gifford Road Westport, Massachusetts. Also a check with Massachusetts RMV reveals that James Machado has an active registration a 7996ZS Jeep Grand Cherokee color gray, to 489 Gifford Road Westport Ma.

A check with the Massachusetts Registry of Motor Vehicles reveals that Mr. Fernando Raposo has an active license, which gives the address of 59 Forge Road Westport Massachusetts. One of Mr. Raposo parents lives at 59 Forge Road Westport Mass. As stated above Mr. Raposo lives with his girlfriend Cynthia Lopes at 726 State Road Westport Mass. And conducting a Registry of Motor Vehicle query on Ms. Lopes it reveals that she has an active license, which gives the address of 726 State Road Westport Mass.

On Aug. 6, 2004, While conducting surveillance of 489 Gifford Road the home of James Machado, I Observed parked in the driveway of James Machado, Mass. Registration 98FD17. This registration comes back to Cynthia Lopes, the girlfriend of Fernando Raposo, who lives at 726 State Road Westport.

On Aug. 9, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed Mr. Raposo exiting Mr. Machado's home with a small brown paper bag and enter Ma. Registration 98FD17, belonging to Cynthia Lopes. Mr. Raposo 's girlfriend. At this time Mr. Raposo entered the drivers side of the vehicle and drove off heading north on Gifford Road.

On Sept. 14, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed Ma. Registration 98FD17 parked in the driveway. As stated above, this vehicle is the vehicle that belongs to Mr. Raposo's girlfriend Cynthia Lopes.

On Sept. 29, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed leaving the home, Fernando Raposo. He was operating Mass. registration 98FD17.

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PAGE 4 OF 10 PAGES OF THIS AFFIDAVIT

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On or about Nov. 1, 2004, Myself and Detective Dunn met with "IT" at a pre-arranged location for conducting a controlled buy from Mr. Raposo. Upon meeting with "IT", I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" placed a call to Mr. Raposo, stating that he would be arriving soon. Myself along with Det. Dunn followed "IT" to 726 State Road, Raposo's house and observed Fernando Raposo enter "IT's" vehicle. Mr. Raposo escorted "IT" south on Gifford Rd. as Det. Dunn and myself followed. As we headed south on Gifford Rd. the vehicle past Mr. Machado's home, to which time the vehicle came to the end of Gifford Rd. and Rt. 177. The vehicle then did a U-turn on Rt. 177 and turned back up Gifford Rd. heading north. The vehicle then turned into the driveway of 489 Gifford Road, which is James Machado's home. Mr. Raposo then exited the vehicle, and was met by a male party who was already standing in the driveway. Mr. Machado's vehicle was parked in the driveway at this time. Mr. Raposo then exited the vehicle and entered James Machado's home. Approx. 5min later Mr. Raposo exited the home.

In the driveway parked on the side of Mr. Machado's vehicle was Mass. registration 601 WST. This comes back to Mike R. Desmarais 971 American Legion Hwy (Rt. 177)

Myself and Detective Dunn followed "IT" and Mr. Raposo back to 726, Raposo's home, to which we observed Mr. Raposo exit "Its" vehicle and enter his home. Detective Dunn and myself followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" for any contraband or money with negative results.

When "IT" handed me the suspected marijuana, I observed the packaging to be a white plastic bag and inside the white plastic bag was a clear zip lock bag with the suspected marijuana inside.

On or about Dec. 3, 2004, I met "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo with the assistance from the DEA and IRS. Upon meeting "IT" I searched it and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and then "IT" placed a call to Mr. Raposo, stating that he would be there in approx. 5 minutes. The following agencies were set up in the following locations. Tony Sibilia (IRS) set up at 489 Gifford Road, James Machado's house. Det. Dunn and myself set up on 726 State Road, Mr. Raposo's house and Jen Phelan and John Faria (DEA) also set up on 726 State Road Mr. Raposo's house.

"IT" then left the pre-arranged location with Det. Dunn and myself following. At this time everyone at the other locations were notified that "IT" was enroute, to 726 State Road. We followed the "IT" to 726 State Road, Mr. Raposo's house. We observed "IT" exit his vehicle and enter Mr. Raposo's house. Approx. 20 to 25 min later, I was informed by Tony Sibilia that James Machado pulled up to his house, located at 489 Gifford Road, and exit his vehicle and entered his house.

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PAGE 5 OF 10 PAGES OF THIS AFFIDAVIT

**A F F I D A V I T**

SEARCH WARRANT DOCKET NUMBER

TRIAL COURT OF MASSACHUSETTS

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FOR SEARCH WARRANT

Approx. 5min later Tony Sibilia informed me that James Machado exited the house and entered his vehicle, the Grand Jeep Cherokee bearing Mass. Registration 7996ZS, and left the area heading north on Gifford Rd. A short time after that, I was informed by Jen Phelan and John Faria that James Machado drove by there location, which was a side street off of State Road near Mr. Raposo's house. Det. Dunn and myself then observed James Machado pull up in front of Mr. Raposo's house. We then observed Mr. Raposo exit his home and enter the vehicle of James Machado. Approx. 2 minutes later Mr. Raposo exited Mr. Machado's vehicle and entered his house. Mr. Machado then left the area in his vehicle.

At this time myself and Detective Dunn observed "IT" exit Mr. Raposo's house and enter its vehicle and leave the area. We followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On or about Dec. 16, 2004, Detective Dunn and myself met "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo, with the assistance of Officer Arrington. Upon meeting "IT" I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, at this time "IT" made a call to Mr. Raposo, with negative results. At this time we followed "IT" to Mr. Raposo's house located at 726 State Road. We observed "IT" arrive and approx. 5minutes later Mr. Raposo arrived in his girlfriend's vehicle. At this time both "IT" and Mr. Raposo went into Mr. Raposo's house.

Officer Arrington informed me, that while driving by James Machado's house he observed a Jeep Grand Cherokee bearing Mass. 7996ZS, backing out of the driveway and travel North on Gifford Rd. Approx. 5 minutes later, I observed a Jeep Grand Cherokee bearing Mass. Registration 7996ZS pull up on the West side of Mr. Raposo's house. I observed Mr. Raposo exit the apartment and approach the driver's side of the vehicle. Mr. Raposo spoke with the operator for approx. 2 minutes. The operator then handed Mr. Raposo a item and Mr. Raposo then went back into his home with the item. Approx. 3 minutes "IT" exited the house and left the area. Detective Dunn and myself followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On or about Dec. 22, 2004, myself and Detective Dunn met with "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo. Upon meeting "IT" Detective Dunn searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" then made a call to Mr. Raposo and told him that he was on his way. This was assisted with the help of the DEA along with Lt. John Bell and Lt. Paul Holden from the Westport Police. Lt. Bell was positioned next to James Machado's home located at 489 Gifford Road, while the DEA was positioned next to Mr. Raposo's home and also on Rt.177.

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Daniel Sullivan

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PAGE 6 OF 10 PAGES OF THIS AFFIDAVIT

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SEARCH WARRANT DOCKET NUMBER

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FOR SEARCH WARRANT

Detective Dunn and myself followed "IT" to Mr. Raposo's home located at 726 State Road. Upon "It's" arrival to Mr. Raposo's house we observed "IT" go inside Mr. Raposo's house. Lt. John Bell, who was conducting surveillance at James Machado's house, informed me that Mr. James Machado was leaving his home in his vehicle bearing Mass. Registration 7996ZS, at 489 Gifford Road and heading north on Gifford Road. Approx. 5 minutes later, Detective Dunn and myself were informed by DEA that a light color Jeep Cherokee bearing Mass. Registration 7996ZS had pulled up in front of Mr. Raposo's home. They observed Mr. Raposo exit his house and meet with the operator in the Jeep. Approx. 2min later Mr. Raposo went back into his home.

Approx. 3 minutes later I observed "IT" exit Mr. Raposo's house and leave the area. I followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On or about Feb. 3, 2005, Detective Dunn, with the assistance of Lt. Bell, met with "IT" at a pre-arranged location for the purpose of making a controlled and myself buy from Mr. Raposo. Upon meeting "IT" I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, "IT" then called Mr. Raposo to inform him that he was on his way. Detective Dunn and myself followed "IT" to Mr. Raposo's house. Upon "It's" arrival at Mr. Raposo's home "IT" exited the vehicle and went inside Mr. Raposo's home. I was informed by Lt. Bell, who was conducting surveillance at the home of James Machado that he observed James Machado pull into his driveway and walk into his residence located at 489 Gifford Road. Lt. Bell observed lights illuminate in the lower portion of the residence. Lt. Bell then observed James Machado leave his residence in his vehicle and travel north on Gifford Rd. Lt. Bell then followed James Machado who traveled east on Osborne St. onto State Road westbound. Detective Dunn and myself observed James Machado pull up to Mr. Raposo's house. Mr. Raposo exited his home and went inside James Machado's vehicle. Approx. 3 minutes later Mr. Raposo exited the vehicle and went back into his house.

Approx. 5 minutes later "IT" exited Mr. Raposo's house and left the area. I followed "IT" back to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On Feb 23, 2005, Detective Dunn and myself were conducting surveillance of 489 Gifford Road, James Machado's house. We observed James Machado, Fernando Raposo, Michael Desmarais, and Leonard DasNeves in the driveway of James Machado's residence. On July 20, 1992, Mr. DasNeves was found guilty of trafficking marijuana.

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PAGE 7 OF 10 PAGES OF THIS AFFIDAVIT

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SEARCH WARRANT DOCKET NUMBER

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IN SUPPORT OF APPLICATION  
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On April 7, 2005, Detective Dunn and myself conducted surveillance of 489 Gifford Road, James Machado's home. We observed Mass. Registration 3294WT, parked in the driveway of James Machado's home. This vehicle came back to Scott McKay with an address of 489 Gifford Rd. Westport, a license check of Mr. McKay also revealed an address of 489 Gifford Rd. Westport. We did not observe James Machado's vehicle at this time. Later on we observed James Machado's vehicle parked at the Oriental Pearl on State Road Westport. The Establishment was closed and no occupants inside the vehicle.

A check with the Massachusetts Criminal History Board reveals the following arrests and /or convictions for Scott R. McKay, D.O.B.10/07/69, SSN 016566217, of 489 Gifford Road, Westport, Massachusetts.

- A. October 11, 1996, Mr. McKay was found guilty in New Bedford District Court for Possession to Distribute Class D substance (Marijuana), Conspiracy to Violate Controlled Substance Act, and Unlawful Possession of Firearm.
- B. April 23, 1992, Mr. McKay was found guilty in Fall River District Court, Jury of Six for Assault and Battery with a Dangerous Weapon.
- C. November 15, 1990, Mr. McKay was found guilty in New Bedford District Court for Assault and Battery with a Dangerous Weapon (Pipe & Cement).
- D. February 9, 1989 Mr. McKay was found guilty in New Bedford District Court for Assault and Battery with a Dangerous Weapon (Glass).
- E. February 3, 1989 Mr. McKay was found guilty in New Bedford District Court for Possession of Class D Controlled Substance (Marijuana).

Mr. McKay was also a target in "Operation Joint Forces", a joint investigation by the Drug Enforcement Agency, local, and state police departments. "Operation Vice Grip" led to the seizure of approximately 260 kilograms, 20.8 million dollars worth of cocaine, and approximately 21 indictments of individuals, with the main target, Rafael Yeje Cabrera receiving life without the possibility of parole.

During surveillance of 498 Gifford Rd. Westport, Mr. McKay's vehicle along with Mr. McKay himself, have been seen coming and going from the residence, from April 7, 2005, to the present time. A check with the United States Postal Service, regarding mail delivery to 489 Gifford Road, Westport Mass. We were informed that Mr. James Machado and Mr. Scott McKay along with Titan Realty receive mail at this address.

PRINTED NAME OF AFFIRANT  
Daniel Sullivan

X

SIGNED UNDER THE PENALTIES OF PERJURY

SWORN AND SUBSCRIBED TO BEFORE



PAGE 8 OF 10 PAGES OF THIS AFFIDAVIT

<b>A F F I D A V I T</b>  IN SUPPORT OF APPLICATION FOR SEARCH WARRANT	SEARCH WARRANT DOCKET NUMBER	TRIAL COURT OF MASSACHUSETTS
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On or about May 5, 2005, While conducting surveillance of 489 Gifford Road, the home of James Machado, we observed several motor vehicle's coming and going out of the residence. A vehicle would pull into the driveway of 489 Gifford Rd. a person would exit the vehicle and enter the home. Approx. 4 to 5 minutes later that same person would exit the home and leave the area. Due to my training and experience, this type of behavior is consistent with illegal drug activity.

On or about Aug. 20, 2005, While conducting surveillance of 489 Gifford Road, the home of James Machado, myself and Detective Dunn observed a vehicle pull into the driveway of the residence, we were able to see that the vehicle was bearing Mass. Registration 12VG49. After conducting a computer query on the vehicle, we learned that the vehicle was registered to Frank Dutra. DOB 10-22-1950.

At this time, a male exited the passenger side of the vehicle and a female exited the driverside of the vehicle. Det. Dunn knew the female as Emily Dutra because Ms. Dutra was his neighbor. He also knew the male as Jeffrey Dillon DOB 09-20-1962, due to him being Ms. Dutra ex-boyfriend.

A check with the Massachusetts Criminal History Board reveals that the following arrest and/ or convictions on Jeffrey Dillon DOB 09-20-1962 SS# 025546774 of 3960 North Main St. Fall River Mass.

- A. On 01-20-2004, Mr. Dillon was charged with Assault and Battery with a Dangerous Weapon
- B. On 07-18- 2003, Mr. Dillon was charged with Assault and Battery with a Dangerous Weapon
- C. On 03-08-1985, Mr. Dillon was found guilty of possession with intent to Distribute class B Cocaine
- D. On 09-14-1984, Mr. Dillon was charged with possession with intent to Distribute class B Cocaine

Mr. Dillon is the known President of the outlaw Motorcycle Gang, Sidewinders.

Mr. Dillon and Ms. Dutra went into Mr. Machado's home for approx. 4 minutes, and then came out of the house, with Mr. Dillon carrying a small white bag. They both entered the vehicle and left the area.

On or about Sept. 4, 2005, This Detective and Detective Dunn conducted surveillance of 489 Gifford Rd. the home of James Machado. We observed several more times, the same type of activity as stated above. Through my training and experience as a narcotics investigator this type of activity is consistent with illegal drug activity.

On or about Nov. 1, 2005, Detective Dunn and Myself met with "IT" at a pre-arranged location for conducting a controlled by from Mr. Raposo. Upon meeting with "IT", I searched "IT" and "It's" vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" placed a call to Mr. Raposo to inform him that he was on his way, but "IT" spoke with Ms. Lopes who stated, that Mr. Raposo was not home yet, but that he should be home any time. Detective Dunn and myself followed "IT" to 726 State Road, Mr.

PRINTED NAME OF AFFIANT Daniel Sullivan	SIGNED UNDER THE PENALTIES OF PERJURY
SWORN AND SUBSCRIBED TO BEFORE	

PAGE 9 OF 10 PAGES OF THIS AFFIDAVIT

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SEARCH WARRANT DOCKET NUMBER

TRIAL COURT OF MASSACHUSETTS

IN SUPPORT OF APPLICATION  
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Raposo's house. I observed "IT" exit the vehicle and enter Mr. Raposo's house. Approx. 10 minutes later Mr. Raposo pulled up in front of his house and exit his vehicle and go into his house.

Approx. 3 minutes, later myself and Detective Dunn observed "IT" come out of the house and leave the area. We followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched again for any contraband or money with negative results.

When "IT" handed me the suspected marijuana, I observed that the packaging was done consistently the same way that other previous buys were packaged, in a white plastic bag and inside was a clear plastic zip lock bag containing the suspected marijuana.

I was later informed, by Lt. Holden, who was conducting surveillance of 489 Gifford Road, James Machado's house, that he observed James Machado's vehicle along with the vehicle that Mr. Raposo operates parked in the driveway of James Machado's house.

**Summary of Probable Cause**

Based on the above, there is probable cause to believe that James E. Machado sells marijuana from 489 Gifford Road, Westport, Massachusetts a building more specifically described in the attached application, and from the Jeep Grand Cherokee bearing Massachusetts's registration 7996ZS. Therefore, there is probable cause to believe that marijuana, marijuana paraphernalia, records of persons, and items involved in the purchase and sale of marijuana or showing occupancy, and money or evidence relating to marijuana purchases or sales are being concealed for the unlawful purchase at 489 Gifford Road, Westport, Massachusetts, and in the above described Jeep Cherokee or on the person of James E. Machado.

**Nighttime request**

During my investigation, "IT" has told me that Mr. Machado conducts many of his drug transactions at night. Due to these facts and my wish to approach Mr. Machado's residence without being detected, I am applying for permission to conduct my search in the nighttime.

PRINTED NAME OF AFFIANT  
Daniel Sullivan

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SIGNED UNDER THE PENALTIES OF PERJURY

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PAGE 10 OF 10 PAGES OF THIS AFFIDAVIT

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SEARCH WARRANT DOCKET NUMBER

TRIAL COURT OF MASSACHUSETTS

IN SUPPORT OF APPLICATION  
FOR SEARCH WARRANT

**Request to search any and all persons present**

Will conducting surveillance of narcotic transactions at 489 Gifford Road, Westport, Massachusetts, "It" has remained in the vehicle while Fernando Raposo enters the residence at 489 Gifford Road, Westport, Massachusetts to retrieve narcotics. My surveillance has also shown that Mr. Machado interacts with drug users who come to his home at various hours and stay only long enough to purchase drugs. As such, it is impossible for me to predict which of these drug users will be present when I arrive to execute my warrants.

I know from my training and experience that drug users who go to the home of a dealer for the purchase of buying drugs usually keep the drugs they purchase on their persons. Additionally, those drug purchasers who arrive just prior to the execution of the search warrant and have not yet purchased drugs will likely possess money they intend to spend on drugs. Based on the above, I believe that persons whom I encounter inside of Mr. Machado's residence or with him in his vehicle are likely there for the purpose of purchasing Marijuana and, therefore, will have Marijuana or money which they intend to spend on Marijuana on their person. For these reasons, I am requesting authorization to search any and all persons who are present at Mr. Machado's residence or with him in his motor vehicle when the warrants are executed.

**Request to enter without first knocking and announcing:**

During my training and experience as a police officer, I have learned that people involved in the illicit drug trade often attempt to destroy drug evidence if they learn that the police are about to conduct a search. Because of the fragile nature of drugs, they are easily destroyed by such methods as flushing them down toilets, dissolving them in liquid, and emptying containers in which they are packaged. I have personally involved in the arrest of drug dealers who have thrown drugs out windows. While the destruction of drug evidence may take some time in cases where violators possess large amount of drugs, it can be accomplished quickly and effectively in cases where they handle relatively small amounts and, as such, is very common at the retail or street level.

During my training and experience as a police officer, I have learned that people involved in the illicit drug trade often carry dangerous weapons on their person or in their household. And as described in the attached affidavit the individuals listed have been known to have weapons on their persons, so in the name of safety, for all in involved I request this.

Signed under the Pains and Penalties of Perjury

Detective Daniel Sullivan

PRINTED NAME OF AFFIANT  
Daniel Sullivan

X

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Westport Police Department  
Arrest ReportPage: 1  
11/07/2005Arrest #: 05-283-AR  
Call #: 05-14340Date/Time Reported: 11/04/2005 @ 2120  
Arrest Date/Time: 11/05/2005 @ 0010  
Booking Date/Time: 11/05/2005 @ 0043  
OBTN: T 200500283  
Reporting Officer: Detective DANIEL SULLIVAN  
Assisting Officer: Detective CHRISTOPHER DUNN  
Booking Officer: Sergeant ANTONIO CESTODIO  
Released: 11/05/2005 @ 0952

#	DEFENDANT(S)	SEX	RACE	AGE	SEN	PHONE
1	MACHADO, JAMES E 489 GIFFORD RD WESTPORT MA 02790	M	W	44	025-34-3191	508-982-7565

HEIGHT: 509 WEIGHT: 190  
BODY: MUSCULAR  
DOB: 07/29/1961  
STATE ID: TX03315933  
LICENSE NUMBER: MA 025543191  
HAIR: BROWN EYES: HAZEL  
COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: FALL RIVER, MASSACHUSETTS  
FBI ID: 575164K6  
ETHNICITY: NOT HISPANIC

## [APPEARANCE]

GLASSES WORN: NO

SCARS: SC L LEG(AMPUTATED BELOW KNEE)  
TATTOOS: TAT RF ARM(LARGE EAGLE), TAT LF ARM(DOG), TAT LF ARM(BLACK CLOUD)

## [FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE  
FATHER'S NAME: MACHADO, GEORGE  
MOTHER'S NAME: BENOIT, PATRICIAEMPLOYER/SCHOOL: TITAN  
489 GIFFORD RD  
WESTPORT MA 02790  
PHONE NUMBER: 508-982-7565  
OCCUPATION: REALITY

## [RIGHTS/BOOKING CHECKS]

PHONE USED: Y PHONED DATE/TIME: 11/05/2005 @ 0101  
ARRESTEE SECURED: Y 11/05/2005 0033  
ARRESTEE CELL #: F  
FINGERPRINTED: Y  
PHOTOGRAPHED: Y  
SUICIDE CHECK: Performed  
PERSONS: State  
NCIC VEHICLE CHECK: Not Performed  
INJURY OR ILLNESS: N

## # OFFENSE(S) A/C STATE LAW

LOCATION TYPE: Residence/Home/Apt./Condo Zone: CENTER EAST  
489 GIFFORD RD  
WESTPORT MA 02790

Westport Police Department  
Arrest Report

Page: 2  
11/07/2005

Arrest #: 05-283-AR  
Call #: 05-14340

#	OFFENSE(S)	A/C	STATE LAW
1	DRUG, DISTRIBUTE CLASS D OCCURRED: 11/04/2005 SUSPECTED OF USING: Not Applicable CRIMINAL ACTIVITY: Possessing/Concealing BIAS AGAINST: No Bias	C	94C 32C
2	DRUG, POSSESS TO DISTRIB CLASS E (PERCSETS) OCCURRED: 11/04/2005 SUSPECTED OF USING: Not Applicable CRIMINAL ACTIVITY: Distributing/Selling BIAS AGAINST: No Bias	C	94C 32D
3	DRUG, POSSESS CLASS E (STERIODS) OCCURRED: 11/04/2005 SUSPECTED OF USING: Not Applicable CRIMINAL ACTIVITY: Possessing/Concealing BIAS AGAINST: No Bias	C	94C 34
4	ELECTRIC STON GUN, SELL/POSSESS OCCURRED: 11/04/2005 CRIMINAL ACTIVITY: Possessing/Concealing WEAPON/FORCED USED: Other	C	140 131J
5	CONSPIRACY TO VIOLATE DRUG LAW OCCURRED: 11/04/2005 2120	C	94C 40
6	DRUG, POSSESS CLASS D OCCURRED: 11/04/2005 2120 CRIMINAL ACTIVITY: Possessing/Concealing	C	94C 34

#	DRUG(S)	PROPERTY #	STATUS
1	MARIJUANA QUANTITY: 3.400 (Ounces) OWNER: MACHADO, JAMES EDWARD	05-275-FR VALUE: \$450.00	Seized (Not Previously Stolen) DATE: 11/05/2005
2	PERCOCETS QUANTITY: 32.000 (Dosage of Units/Items) OWNER: MACHADO, JAMES EDWARD	05-277-FR VALUE: \$160.00	Seized (Not Previously Stolen) DATE: 11/05/2005
3	METAMPHETAMINE QUANTITY: 1.000 (Dosage of Units/Items) OWNER: MACHADO, JAMES EDWARD	05-278-FR VALUE: \$100.00	Seized (Not Previously Stolen) DATE: 11/05/2005
4	MARIJUANA, PARTIALLY BURNED CIGARETTE/BAG QUANTITY: 1.000 (Not Available at This Time) OWNER: MACHADO, JAMES EDWARD	05-286-FR VALUE: \$10.00	Seized (Not Previously Stolen) DATE: 11/05/2005

## Westport Police Department

Page: 3

## Arrest Report

11/07/2005

Arrest #: 05-283-AR

Call #: 05-14340

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	CURRENCY QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-276-PR VALUE: \$7,065.00	Seized (Not Previously Stolen)
2	ELECTRONIC STUN GUN QUANTITY: 1 SERIAL #: SF300 DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-279-PR VALUE: \$100.00	Seized (Not Previously Stolen)
3	CELL PHONES QUANTITY: 6 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-280-PR VALUE: \$250.00	Seized (Not Previously Stolen)
4	ROLLING PAPERS QUANTITY: 4 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-281-PR VALUE: \$5.00	Seized (Not Previously Stolen)
5	BANK RECORDS/CREDIT CARDS/ W-2 QUANTITY: 5 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-282-PR VALUE: \$1.00	Seized (Not Previously Stolen)
6	STOCKS QUANTITY: 25 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-283-PR VALUE: \$1.00	Seized (Not Previously Stolen)
7	MONEY COUNTER QUANTITY: 1 SERIAL #: RBC1000 DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-284-PR VALUE: \$200.00	Stolen
8	DRUG LEDGER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 11/05/2005 OWNER: MACHADO, JAMES EDWARD	05-285-PR VALUE: \$1.00	Seized (Not Previously Stolen)



## Westport Police Department

Page: 1

NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

During the month of July 2004, I was approached by an individual herein named "IT" who wanted to provide me with information relative to illegal narcotics sales, specifically marijuana. "IT" identified the seller as Fernando Raposo DOB 04/13/1966, of 726 State Road Westport Massachusetts. "IT" stated, that Mr. Raposo receives marijuana deliveries from a male named "Jimmy" and that Mr. Raposo would sell the marijuana for "Jimmy" from his home located at 726 State Rd. in Westport. "IT" stated that "Jimmy" lives on Gifford Road in Westport Massachusetts.

"IT" stated, that "Jimmy" would drive Massachusetts's registration 7996ZS, belonging to a Jeep Grand Cherokee color gray and deliver the marijuana to Mr. Raposo at his home. "IT" also described the vehicle that Mr. Raposo operates as a Ford Taurus color brown, bearing Massachusetts registration 98FD17, which is registered to Mr. Raposo's girlfriend Cynthia Lopes, who Mr. Raposo lives with at 726 State Rd. in Westport Ma.

The name "IT" is pseudonym and is not meant to reflect the gender of the individual. "IT" is providing me with this information voluntarily and with the understanding that "IT" remains nameless, fearing if identified, "It's" family members would be subjected to physical harm.

A check with the Massachusetts Criminal History Board reveals the following arrest and/or convictions for Mr. Fernando Raposo, DOB 04/13/1966, SS# 021-60-7624

- A. On April 9, 2004, Mr. Raposo was found guilty and to admitting to sufficient facts in Fall River District Court for possession class D
- B. On May 14, 2003, Mr. Raposo was found guilty and to admitting to sufficient facts in Fall River District Court for possession class D
- C. On August 9, 1995, Mr. Raposo was found guilty in Bristol Superior Court for possession with intent to Distribute class A
- D. On June 13, 1995, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A
- E. On February 23, 1993, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A
- F. On February 23, 1993, Mr. Raposo was also found guilty in Fall River District Court for possession with intent to Distribute class A
- G. On July 25, 1991, Mr. Raposo was found guilty in Fall River District Court(jury of six) for possession of class B
- H. On November 21, 1991, Mr. Raposo was found guilty in Fall River District Court for possession of class D
- I. On July 1, 1991, Mr. Raposo was found guilty in Fall River District Court for possession of class B
- J. On September 17, 1990, Mr. Raposo was found guilty in Fall River District Court for possession with intent to Distribute class A

Westport Police Department

Page: 2

NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

A check with the Massachusetts Criminal History Board reveals the following arrest and/or convictions for Mr. James Machado DOB 07/29/1961. SS# 025-54-

A. Mr. Machado has an open case in Boston Federal Court for Conspiracy to Violate the Control substance Act/ Marijuana. As well as Possession with intent to Distribute class D

B. On November 17, 1999, Mr. Machado was charged with Trafficking class D out of Bristol Superior Court

C. On August 23, 1999, Mr. Machado was charged with Trafficking class D

D. On May 10, 1999, Mr. Machado was charged with Assault and Battery

E. On March 27, 1989, Mr. Machado was charged with a Firearm Violation (Revolver) out of Bristol Superior Court.

F. On January 10, 1989, Mr. Machado was found guilty of Armed Robbery

G. On January 10, 1989, Mr. Machado was charged with possession of a Firearm out of Bristol Superior Court

H. On August 11, 1982, Mr. Machado was charged with a Firearm (Carry) out of Fall River District Court.

I. On April 27, 1982, Mr. Machado was found guilty for Assault and Battery

J. On January 8, 1982, Mr. Machado was charged with Assault and Battery with a Dangerous Weapon

A check with the Massachusetts Registry of Motor Vehicles reveals that Mr. James Machado has an active license, which gives the address of 489 Gifford Road Westport, Massachusetts. Also a check with Massachusetts RMV reveals that James Machado has an active registration a 7996ZS Jeep Grand Cherokee color gray, to 489 Gifford Road Westport Ma.

A check with the Massachusetts Registry of Motor Vehicles reveals that Mr. Fernando Raposo has an active license, which gives the address of 59 Forge Road Westport Massachusetts. One of Mr. Raposo parents lives at 59 Forge Road Westport Mass. As stated above Mr. Raposo lives with his girlfriend Cynthia Lopes at 726 State Road Westport Mass. And conducting a Registry of Motor Vehicle query on Ms. Lopes it reveals that she has an active license, which gives the address of 726 State Road Westport Mass.

On Aug. 6, 2004, While conducting surveillance of 489 Gifford Road the home of James Machado, I Observed parked in the driveway of James Machado, Mass. Registration 98FD17. This registration comes back to Cynthia Lopes. the girlfriend of Fernando Raposo, who lives at 726 State Road Westport.

On Aug. 9, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed Mr. Raposo exiting Mr. Machado's home with a small brown paper bag and enter Ma. Registration 98FD17, belonging to Cynthia Lopes. Mr. Raposo's girlfriend. At this time Mr. Raposo entered the drivers side of the

## Westport Police Department

Page: 3

NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

vehicle and drove off heading north on Gifford Road.

On Sept. 14, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed Ma. Registration 98FD17 parked in the driveway. As stated above, this vehicle is the vehicle that belongs to Mr. Raposo's girlfriend Cynthia Lopes.

On Sept. 29, 2004, while conducting surveillance of 489 Gifford Road, the home of James Machado, I Observed leaving the home, Fernando Raposo. He was operating Mass. registration 98FD17.

On or about Nov. 1, 2004, Myself and Detective Dunn met with "IT" at a pre-arranged location for conducting a controlled buy from Mr. Raposo. Upon meeting with "IT", I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" placed a call to Mr. Raposo, stating that he would be arriving soon. Myself along with Det. Dunn followed "IT" to 726 State Road, Raposo's house and observed Fernando Raposo enter "It's" vehicle. Mr. Raposo escorted "IT" south on Gifford Rd. as Det. Dunn and myself followed. As we headed south on Gifford Rd. the vehicle past Mr. Machado's home, to which time the vehicle came to the end of Gifford Rd. and Rt. 177. The vehicle then did a U-turn on Rt. 177 and turned back up Gifford Rd. heading north. The vehicle then turned into the driveway of 489 Gifford Road, which is James Machado's home. Mr. Raposo then exited the vehicle, and was met by a male party who was already standing in the driveway. Mr. Machado's vehicle was parked in the driveway at this time. Mr. Raposo then exited the vehicle and entered James Machado's home. Approx. 5min later Mr. Raposo exited the home.

In the driveway parked on the side of Mr. Machado's vehicle was Mass. registration 601WST. This comes back to Mike R. Desmarais 971 American Legion Hwy (Rt. 177)

Myself and Detective Dunn followed "IT" and Mr. Raposo back to 726, Raposo's home, to which we observed Mr. Raposo exit "Its" vehicle and enter his home. Detective Dunn and myself followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" for any contraband or money with negative results.

When "IT" handed me the suspected marijuana, I observed the packaging to be a white plastic bag and inside the white plastic bag was a clear zip lock bag with the suspected marijuana inside.

On or about Dec. 3, 2004, I met "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo with the assistance from the DEA and IRS. Upon meeting "IT" I searched it and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and then "IT" placed a call to Mr. Raposo, stating that he would be there in approx. 5 minutes. The following agencies were set up in the following locations. Tony Sibilia (IRS) set up at 489 Gifford Road, James Machado's house. Det. Dunn and myself set up on 726 State Road, Mr. Raposo's house and Jen Phelan and John Faria (DEA) also set up on 726 State Road Mr. Raposo's house.

"IT" then left the pre-arranged location with Det. Dunn and myself following. At this time everyone at the other locations were notified that "IT" was enroute, to 726 State Road. We followed the "IT" to 726 State Road, Mr. Raposo's house. We observed "IT" exit his vehicle and enter Mr. Raposo's house. Approx. 20 to 25 min later, I was informed by Tony Sibilia that James Machado pulled up to his house, located at 489 Gifford Road, and exit his vehicle and entered his house.

Approx. 5min later Tony Sibilia informed me that James Machado exited the house and entered his vehicle, the Grand Jeep Cherokee bearing Mass. Registration 7996ZS, and left the area heading north on Gifford Rd. A short time after that, I was informed by Jen Phelan and John Faria that James Machado drove by there location, which



## Westport Police Department

Page: 4

## NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

was a side street off of State Road near Mr. Raposo's house. Det. Dunn and myself then observed James Machado pull up in front of Mr. Raposo's house. We then observed Mr. Raposo exit his home and enter the vehicle of James Machado. Approx. 2 minutes later Mr. Raposo exited Mr. Machado's vehicle and entered his house. Mr. Machado then left the area in his vehicle.

At this time myself and Detective Dunn observed "IT" exit Mr. Raposo's house and enter its vehicle and leave the area. We followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On or about Dec. 16, 2004, Detective Dunn and myself met "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo, with the assistance of Officer Arrington. Upon meeting "IT" I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, at this time "IT" made a call to Mr. Raposo, with negative results. At this time we followed "IT" to Mr. Raposo's house located at 726 State Road. We observed "IT" arrive and approx. 5 minutes later Mr. Raposo arrived in his girlfriend's vehicle. At this time both "IT" and Mr. Raposo went into Mr. Raposo's house.

Officer Arrington informed me, that while driving by James Machado's house he observed a Jeep Grand Cherokee bearing Mass. 7996ZS, backing out of the driveway and travel North on Gifford Rd. Approx. 5 minutes later, I observed a Jeep Grand Cherokee bearing Mass. Registration 7996ZS pull up on the West side of Mr. Raposo's house. I observed Mr. Raposo exit the apartment and approach the driver's side of the vehicle. Mr. Raposo spoke with the operator for approx. 2 minutes. The operator then handed Mr. Raposo a item and Mr. Raposo then went back into his home with the item. Approx. 3 minutes "IT" exited the house and left the area. Detective Dunn and myself followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On or about Dec. 22, 2004, myself and Detective Dunn met with "IT" at a pre-arranged location for the purpose of making a controlled buy from Mr. Raposo. Upon meeting "IT" Detective Dunn searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" then made a call to Mr. Raposo and told him that he was on his way. This was assisted with the help of the DEA along with Lt. John Bell and Lt. Paul Holden from the Westport Police. Lt. Bell was positioned next to James Machado's home located at 489 Gifford Road, while the DEA was positioned next to Mr. Raposo's home and also on Rt. 177.

Detective Dunn and myself followed "IT" to Mr. Raposo's home located at 726 State Road. Upon "IT's" arrival to Mr. Raposo's house we observed "IT" go inside Mr. Raposo's house. Lt. John Bell, who was conducting surveillance at James Machado's house, informed me that Mr. James Machado was leaving his home in his vehicle bearing Mass. Registration 7996ZS, at 489 Gifford Road and heading north on Gifford Road. Approx. 5 minutes later, Detective Dunn and myself were informed by DEA that a light color Jeep Cherokee bearing Mass. Registration 7996ZS had pulled up in front of Mr. Raposo's home. They observed Mr. Raposo exit his house and meet with the operator in the Jeep. Approx. 2min later Mr. Raposo went back into his home.

Approx. 3 minutes later I observed "IT" exit Mr. Raposo's house and leave the area. I followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

## Westport Police Department

Page: 5

## NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

On or about Feb. 3, 2005, Detective Dunn, with the assistance of Lt. Bell, met with "IT" at a pre-arranged location for the purpose of making a controlled and myself buy from Mr. Raposo. Upon meeting "IT" I searched "IT" and its vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, "IT" then called Mr. Raposo to inform him that he was on his way. Detective Dunn and myself followed "IT" to Mr. Raposo's house. Upon "IT's" arrival at Mr. Raposo's home "IT" exited the vehicle and went inside Mr. Raposo's home. I was informed by Lt. Bell, who was conducting surveillance at the home of James Machado that he observed James Machado pull into his driveway and walk into his residence located at 489 Gifford Road. Lt. Bell observed lights illuminate in the lower portion of the residence. Lt. Bell then observed James Machado leave his residence in his vehicle and travel north on Gifford Rd. Lt. Bell then followed James Machado who traveled east on Osborne St. onto State Road westbound. Detective Dunn and myself observed James Machado pull up to Mr. Raposo's house. Mr. Raposo exited his home and went inside James Machado's vehicle. Approx. 3 minutes later Mr. Raposo exited the vehicle and went back into his house.

Approx. 5 minutes later "IT" exited Mr. Raposo's house and left the area. I followed "IT" back to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched "IT" again for any contraband or money with negative results.

On Feb 23, 2005, Detective Dunn and myself were conducting surveillance of 489 Gifford Road, James Machado's house. We observed James Machado, Fernando Raposo, Michael Desmarais, and Leonard DasNeves in the driveway of James Machado's residence. On July 20, 1992, Mr. DesNeves was found guilty of trafficking marijuana.

On April 7, 2005, Detective Dunn and myself conducted surveillance of 489 Gifford Road, James Machado's home. We observed Mass. Registration 3294WT, parked in the driveway of James Machado's home. This vehicle came back to Scott McKay with an address of 489 Gifford Rd. Westport, a license check of Mr. McKay also revealed an address of 489 Gifford Rd. Westport. We did not observe James Machado's vehicle at this time. Later on we observed James Machado's vehicle parked at the Oriental Pearl on State Road Westport. The Establishment was closed and no occupants inside the vehicle.

A check with the Massachusetts Criminal History Board reveals the following arrests and /or convictions for Scott R. McKay, D.O.B. 10/07/69, SSN 016566217, of 489 Gifford Road, Westport, Massachusetts.

A. October 11, 1996, Mr. McKay was found guilty in New Bedford District Court for Possession to Distribute Class D substance (Marijuana), Conspiracy to Violate Controlled Substance Act, and Unlawful Possession of Firearm

B. April 23, 1992, Mr. McKay was found guilty in Fall River District Court, Jury of Six for Assault and Battery with a Dangerous Weapon.

C. November 15, 1990, Mr. McKay was found guilty in New Bedford District Court for Assault and Battery with a Dangerous Weapon (Pipe & Cement).

D. February 9, 1989 Mr. McKay was found guilty in New Bedford District Court for Assault and Battery with a Dangerous Weapon (Glass).

E. February 3, 1989 Mr. McKay was found guilty in New Bedford District Court for Possession of Class D Controlled Substance (Marijuana).



## Westport Police Department

Page: 6

## NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

Mr. McKay was also a target in "Operation Joint Forces", a joint investigation by the Drug Enforcement Agency, local, and state police departments. "Operation Vice Grip" led to the seizure of approximately 260 kilograms, 20.8 million dollars worth of cocaine, and approximately 21 indictments of individuals, with the main target, Rafael Yeje Cabrera receiving life without the possibility of parole.

During surveillance of 498 Gifford Rd. Westport, Mr. McKay's vehicle along with Mr. McKay himself, have been seen coming and going from the residence, from April 7, 2005, to the present time. A check with the United States Postal Service, regarding mail delivery to 489 Gifford Road, Westport Mass. We were informed that Mr. James Machado and Mr. Scott McKay along with Titan Realty receive mail at this address.

On or about May 5, 2005, While conducting surveillance of 489 Gifford Road, the home of James Machado, we observed several motor vehicle's coming and going out of the residence. A vehicle would pull into the driveway of 489 Gifford Rd, a person would exit the vehicle and enter the home. Approx. 4 to 5 minutes later that same person would exit the home and leave the area. Due to my training and experience, this type of behavior is consistent with illegal drug activity.

On or about Aug. 20, 2005, While conducting surveillance of 489 Gifford Road, the home of James Machado, myself and Detective Dunn observed a vehicle pull into the driveway of the residence, we were able to see that the vehicle was bearing Mass. Registration 12VG49. After conducting a computer query on the vehicle, we learned that the vehicle was registered to Frank Dutra, DOB 10-22-1950.

At this time, a male exited the passenger side of the vehicle and a female exited the driverside of the vehicle. Det. Dunn knew the female as Emily Dutra because Ms. Dutra was his neighbor. He also knew the male as Jeffrey Dillon DOB 09-20-1962, due to him being Ms. Dutra ex-boyfriend.

A check with the Massachusetts Criminal History Board reveals that the following arrest and/ or convictions for Jeffrey Dillon DOB 09-20-1962 SS# 025546774 of 3960 North Main St. Fall River Mass.

- A. On 01-20-2004, Mr. Dillon was charged with Assault and Battery with a Dangerous Weapon
- B. On 07-18- 2003, Mr. Dillon was charged with Assault and Battery with a Dangerous Weapon
- C. On 03-08-1985, Mr. Dillon was found guilty of possession with intent to Distribute class B Cocaine
- D. On 09-14-1984, Mr. Dillon was charged with possession with intent to Distribute class B Cocaine

Mr. Dillon is the known President of the outlaw Motorcycle Gang, Sidewinders.

Mr. Dillon and Ms. Dutra went into Mr. Machado's home for approx. 4 minutes, and then came out of the house, with Mr. Dillon carrying a small white bag. They both entered the vehicle and left the area.

On or about Sept. 4, 2005, This Detective and Detective Dunn conducted surveillance of 489 Gifford Rd. the home of James Machado. We observed several more times, the same type of activity as stated above. Through my training and experience as a narcotics investigator this type of activity is consistent with illegal drug activity



## Westport Police Department

Page: 7

## NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

On or about Nov. 1, 2005, Detective Dunn and Myself met with "IT" at a pre-arranged location for conducting a controlled buy from Mr. Raposo. Upon meeting with "IT", I searched "IT" and "IT's" vehicle for any contraband or money with negative results. I then handed "IT" a pre-determined amount of US currency, and "IT" placed a call to Mr. Raposo to inform him that he was on his way, but "IT" spoke with Ms. Lopes who stated, that Mr. Raposo was not home yet, but that he should be home any time. Detective Dunn and myself followed "IT" to 726 State Road, Mr.

Raposo's house. I observed "IT" exit the vehicle and enter Mr. Raposo's house. Approx. 10 minutes later Mr. Raposo pulled up in front of his house and exit his vehicle and go into his house.

Approx. 3 minutes, later myself and Detective Dunn observed "IT" come out of the house and leave the area. We followed "IT" to a pre-arranged location where "IT" handed me an amount of suspected marijuana consistent with the amount of money given to "IT". I then searched again for any contraband or money with negative results.

When "IT" handed me the suspected marijuana, I observed that the packaging was done consistently the same way that other previous buys were packaged, in a white plastic bag and inside was a clear plastic zip lock bag containing the suspected marijuana.

I was later informed, by Lt. Holden, who was conducting surveillance of 489 Gifford Road, James Machado's house, that he observed James Machado's vehicle along with the vehicle that Mr. Raposo operates parked in the driveway of James Machado's house.

**Summary of Probable Cause**

Based on the above, there is probable cause to believe that James E. Machado sells marijuana from 489 Gifford Road, Westport, Massachusetts a building more specifically described in the attached application, and from the Jeep Grand Cherokee bearing Massachusetts's registration 7996ZS. Therefore, there is probable cause to believe that marijuana, marijuana paraphernalia, records of persons, and items involved in the purchase and sale of marijuana or showing occupancy, and money or evidence relating to marijuana purchases or sales are being concealed for the unlawful purchase at 489 Gifford Road, Westport, Massachusetts, and in the above described Jeep Cherokee or on the person of James E. Machado.

**Nighttime request**

During my investigation, "IT" has told me that Mr. Machado conducts many of his drug transactions at night. Due to these facts and my wish to approach Mr. Machado's residence without being detected, I am applying for permission to conduct my search in the nighttime.

**Request to search any and all persons present**

Will conducting surveillance of narcotic transactions at 489 Gifford Road, Westport, Massachusetts, "IT" has remained in the vehicle while Fernando Raposo enters the residence at 489 Gifford Road, Westport, Massachusetts to retrieve narcotics. My surveillance has also shown that Mr. Machado interacts with drug users who come to his home at various hours and stay only long enough to purchase drugs. As such, it is impossible for me to predict which of these drug users will be present when I arrive to execute my warrants.

I know from my training and experience that drug users who go to the home of a dealer for the purchase of buying drugs usually keep the drugs they purchase on their persons. Additionally, those drug purchasers who arrive just prior to the execution of the search warrant and have not yet purchased drugs will likely possess money they intend to spend on drugs. Based on the above, I believe that persons whom I encounter inside of Mr. Machado's residence or with him in his vehicle are likely there for the purpose of purchasing Marijuana and, therefore, will have Marijuana or money which they intend to spend on Marijuana on their person. For these reasons, I am requesting authorization to search any and all persons who are present at Mr. Machado's residence

## Westport Police Department

Page: 8

## NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

or with him in his motor vehicle when the warrants are executed.

On 11-04-2005, at approx. 9:00pm, this Detective along with Detective Dunn, Lt. Holden, Lt. Bell, Officer Thatcher, Officer Silva, and Officer McCarthy and Dartmouth K-9 Officer White and other members of the Westport Police Department, conducted a search warrant of 489 Gifford Road, one that was granted by Clerk Magistrate Ronald Valcourt (see attached)

Upon our arrival at 489 Gifford Road, James Machado's home, we approached the home and proceeded to knock and announce our presents, as the search warrant instructed. There was no answer at the door, so at this time we gained entry through the side door located to the right of the garage door. Entry was made into the home and the home was then secured. No one was found to be in the the home at this time.

Dartmouth Officer then made entry with his K-9(Topper) to again secure the home and to contuted a search of the home, for the contents of the search warrant.. Officer McCarthy followed Officer White to document anything found. K-9 hit on a spot located in a down stairs closet. The closet was then searched and Officer White found a clear zip lock bag which contained suspected marijuana. The K-9 and Officer White continue there search, to which K-9 hits on a safe in the upstairs bedroom closet.

When Officer White and K-9(Topper) were done with their search, all members of the entry team then began to conducted a search for the content listed in the search warrant (see attached) Officer Thatcher found on top of a dresser in the downstairs bedroom a clear plastic bag containing 27 (Alprazolam0.5mg) pink pills. This Detective found inside this same dresser a pipe used to smoke marijuana. Officer Thatcher also found underneath a kitchen cabinet a scale which can be used to weigh out marijuana before it is packaged. While conducting the search of the down stairs it appeared to be a living space for Mr. Scott MaKay for there were belongs of Mr. MaKay's in this living area. (Photos of Mr. MaKay on the wall). Also found in a closet downstairs by Officer McCarthy, was a unlock safe (Sentry 1100) a pill bottle with the label torn off and inside the bottle were S2 1/2 alprazolam(xanax) class D. Also found in the safe was a small clear bottle with a red top containing one white pill later identified as clonazepam class D. Found in the bottom draw in a dresser in the bedroom of Mr. MaKay, was also a pill bottle with the name torn off. 34 white pills which will be identified at a later time. Lt. Bell located a note book which was open on the couch which contained what appeared to be a narcotic and a betting ledger.

While conducting the search of the up stairs, which is the living area for Mr. Machado, Officer McCarthy found in Mr. Machado's bedroom dresser rolling papers, which is commonly used by people who smoke marijuana to roll the marijuana cigarette in. This Detective found in a tool box located in the garage where Mr. Machado keeps his two motor cycles along with a vehicle, a clear plastic bag with a small amount of suspected marijuana inside. Lt. Bell found in the bedroom dresser of Mr. Machado, what appeared to be cribs notes. The dates in this book date back to 9-27-99 to 5-10-02. Through my training and experience this types of note books are used by drug dealers too keep track of who has paid them and who owes them money.

Officer Arrington and Sgt. Ploude, informed this Detective that Mr. Machado's vehicle was located at the Westport Holiday Bowling Lanes. I was later informed that Officer Arrington and Sgt. Ploude were following Mr. Macado home at this time.

Upon the arrival of Mr. Machado and Ms. Nancy Pacheco, who was the passenage in the vehicle and Mr. Machado's girlfriend, Lt. Bell placed Mr. Machado in handcuffs and informed him that he was not under arrest at this time, but for the officer's safety he was being placed into handcuffs, to which Mr. Machado agreed.

Westport Police Department

Page: 9

NARRATIVE FOR DETECTIVE DANIEL R SULLIVAN

Ref: 05-283-AR

Mr. Machado was then escorted upstairs into his home. Ms. Pacheco was later searched by female Officer Carreiro, who found \$ 3,070.00 along with the identification of Mr. Machado, down the front of her pants. Lt. Bell asked Ms. Pacheco why she had money down her pants. She stated the "Jimmy" gave it to her on their way to the house.

A search of Mr. Machado's vehicle reviled, a roach (small burnt Marijuana ciggeratte) in the ashtray, which was found by Officer Thatcher.

While still in the house with Mr. Machado, this Detective asked Mr. Machado if he would open the safe, so that we may look at its contents. Mr. Machado stated "Fuck No, that's my personal property" I explained to Mr. Machado that if he did not open the safe, we would have to cut it open, he stated "Do what the Fuck you have too". The safe was brought back to the Westport Highway Dept. where it was cut open. Mr. Machado was informed that he was being placed under arrest for possession of class D and transported to the Police Station where he was booked in by Sgt. Cestodlo.

One's the safe was cut open, it contained ten white pills which were later identified as steroids. Found in the safe was also a baggie of 32 pills, later identified as Percocets. Also in the safe was a black case which contained a street wise 300K volt small fry. Through my training, I found this to be a stun gun. Also found in the safe \$ 3,500.00 in cash. \$3,000.00 of the money was in a Fall River Five Cents Bank envelope. Also found in the safe were stocks as well as a clear zip lock bag containing suspected marijuana.

Mr. Machado was informed that he was being charged with more, due to the contents in the safe.

Due to the above stated facts, Mr. James Machado will be charged with the attached charges.

Signed under the Pains and Penalties of Perjury

Detective Daniel Sullivan